REMARKS

In the last office action, the independent claims 12 and 13 were rejected under 35USC103(a) as being unpatentable over U.S. patent 6,449,739 (Landan) and further in view of U.S. patent 6,449,553 (Klemets) and U.S. patent 5,812,780 (Chen). This rejection is stated in the last office action on the bottom of page 3.

With regard to Landan, the system which Landan discloses is comprised of multiple "agent computers 32" that are designed to operate in a particular fashion in conjunction with a "controller 34" to send commands to a "transactional server 30". Specifically, the Landan system is designed such that multiple agent computers concurrently execute respective "lists of transactions" (commands) according to respective "execution schedules". The assigning of the transaction lists to the agent computers, and the assigning of the execution schedules to the agent computers, is done manually by an operator.

However, one major problem with Landan is that all of the transaction lists and execution schedules are predefined by the operator before a single command is executed. Thus, the command sequences which the agent computers send to test the server are too inflexible. The transaction lists are not designed to be changed by the operator in real-time after the operator directs the agent computers to start executing them.

By comparison with the present invention, an operator selects each command, and the terminal which sends the command, in real-time immediately before the command is sent. This feature is achieved in claim 14 by the first manual step and the second manual step, together with the corresponding immediate responses by the computer.

With regard to the above feature of being able to select each terminal and the command that it sends in real time, the last office action cites Fig. 7 of Landan and says "the whole

process (of Landan) can be stopped and repeated by the user". See the last office action at the bottom of page 4.

So suppose that an operator actually uses the Landan system as the office action suggests to thereby try to mimic the present invention. To do that, the "whole process" of Landan would have to be performed such that the operator assigns only one transaction list with only one command to only one agent computer, and that whole process would have to be repeated multiple times with the operator manually selecting a different agent computer and different command in each repetition.

But if the "whole process" of Landan is repeatedly performed such that only one agent computer sends only one command on each repetition, then a second major problem occurs. This second problem is that each repetition of the whole process involves too many steps. Some of these steps are listed below.

Step #1 is described in Landan at lines 19-21 of column 9. There, the user "creates a new monitoring session" by clicking a mouse while positioning a curser on "PROFILE/NEW".

Step #2 is described in Landan at lines 21-24 of column 9 and is shown in Fig. 3. There, the user "specifies a session name" by typing the name via a keyboard. Then the operator clicks a mouse while positioning a curser on "NEXT".

Step #3 is described in Landan at lines 24-27 of column 9 and is shown in Fig. 4. There, the user "selects a transaction" by clicking a mouse while positioning a curser on a particular transaction in a list. Then the operator clicks a mouse while positioning a curser on "NEXT".

Step #4 is described in Landan at lines 1-3 of column 10 and is shown in Fig. 5. There, the user "selects a computer" to be an agent by clicking a mouse while positioning a curser on a particular computer in a list. Then a operator clicks a mouse while positioning a curser on "NEXT".

Step #5 is described in Landan at lines 57-63 of column 10 and is shown in Fig. 7. There, the user "assigns a transaction to an agent" by clicking a mouse while positioning a

curser on an "ADD" button. Then the operator clicks a mouse while positioning a curser on "NEXT".

Step #6 is described in Landan at lines 1-4 of column 11 and is shown in Fig. 8. There, the user "assigns a particular execution schedule to an agent" by clicking a mouse while positioning a curser on a "SCHEDULE" button.

Step #7 is described in Landan at lines 9-14 of column 11 and is shown in Fig. 9. There, the user selects one particular predefined schedule by clicking a mouse while positioning a curser on the name of that schedule. Alternatively, the user can define a new schedule by clicking a mouse while positioning a curser on the desired properties of the new schedule.

Step #8 is described in Landan at lines 41-45 of column 11 and is shown in Fig. 8. There, the user clicks a mouse while positioning a curser on the "FINISH" button. Then in response, the controller sends the transaction lists and execution schedules to the selected agent computers for execution.

Step #9 is described in Landan at lines 50-55 of column 11. There, the user "halts" the command execution "session" that was started with Step #8. This halt then allows all of the above steps to be repeated.

To perform all of the steps #1 through #9, the operator is required to click a mouse while positioning a curser at least twelve times, and the operator is required to type on a keyboard at least once. All of that is done just to send one command from one agent computer to a server.

By comparison, the newly presented independent claim 14 recites a method of testing a video server wherein an operator performs only two manual operations in order to send one command from one simulated control terminal to a video server. Those two manual operations are expressly recited in claim 14 as "a first manual step" and "a second manual step".

The above difference in manual steps between the method of claim 14 and the method which the last office action suggests is very significant. This is because in order to test a video server, a large number of commands need to be sent from a large number of simulated control terminals. For example, the embodiment which is described in the present application at lines 26-30 on page 10 simulates 7,200 control terminals. So if only 500 control terminals each send eight commands to the video server, the method of claim 14 would require 8,000 manual operations whereas the method which the office action suggests would require 52,000 manual operations.

In addition, the method of repeating the whole process of Landan has a third major problem. This third problem is that the operator is required to somehow remember the particular commands that were last sent from all of the agent computers. The operator needs to know the commands that were last sent from all of the terminals in order to avoid selecting command sequences that make no sense. For example, it makes no sense to send a PAUSE command from one terminal if the last command sent by that terminal was STOP. Similarly, it makes no sense to send a FAST-FORWARD command from one terminal if the last command sent by that terminal was FAST-FORWARD.

By comparison, with the new claim 14, the above third problem is overcome by the manner in which the computer responds to the first manual step. In the first manual step, the operator clicks a mouse while placing a curser on a pointer. Then in response, the computer selects another simulated control terminal and displays on a visual monitor the command which was last sent from that terminal. This visual display enables the operator to properly select the next command to send.

Further, the method of repeating the whole process of Landan has a fourth major problem. This fourth problem is that after the operator causes the controller to send a transaction to an agent (by performing step #8), the operator receives no indication of when the agent sends the command to the server. So

the operator does not know when to stop the process via step #9 and start to repeat the process for another agent computer.

By comparison, with the new claim 14, the above fourth problem is overcome by the manner in which the computer responds to the second manual step. In the second manual step, the operator sends a command by clicking a mouse while placing a curser on a particular control button. Then in response, the computer generates an output signal which represents the particular control button and identifies the simulated control terminal that was last selected. Also in response, the computer updates the current state of the selected control terminal which indicate the command that was just sent, and that updated current state is shown on the visual monitor. This visual display indicates to the operator that the command has been sent in response to the second manual step.

In Landan, a "web reports server 36" is described which allows the operator to remotely monitor the "operation of the transactional server 30", as measured by and reported by the agent computers 40, using a standard web browser. See Landan at line 52 of column 5 to line 20 of column 6.

However, the reports server which Landan describes does not report to an operator the fact that an agent computer (terminal) has just sent a command to the transactional server. Instead, the reports server merely reports to the operator the "performance" of the "transactional server". Thus, only the response of the server to a previously issued command is reported. All of the time that passes between the sending of a command to a server and receipt of a response from the server is wasted.

Next, consider the Klemets patent. In the last office action, Klemets is cited merely to show a video-on-demand system that has VCR-like commands. This is evident from page 5 of the last office action at lines 3-6. However, Klemets does not teach or suggest the two manual steps and their respective responses which are recited in the new claim 14.

Next, consider the Chen patent. In the last office action, Chen is cited merely to show a single computer which simulates several control terminals. This is evident from page 5 of the last office action at lines 15-16. However, Chen does not teach the two manual steps and their respective responses which are recited in the new claim 14.

Lastly, on page 6 of the last office action at lines 3-4, the Examiner "takes that it is well known in the art to track and record the current state of a terminal to be admitted prior art". However, the particular fact which this statement alleges to be well known (i.e. - "track and record the current state of a terminal") is too general to prove the obviousness of claim 14. In claim 14, specific steps are recited by which the current state of a terminal is tracked and recorded.

To illustrate the above point, suppose that it is "well known to track and record the current state of terminal", but only by the step of having an operator manually write down on a piece of paper, the identity of each terminal which he selects and the identity of each command which directs the terminal to send. This manual step for "tracking and recording" would need to be performed by an operator of the Landan system who tries to mimic the present invention. However, the fact that it is well known to "track and record" the current state of terminal by manually writing the current state on a+ piece of paper does not teach or suggest the specific steps which are recited in claim 14.

Further, official notice of any fact which is not supported by documentary evidence should "only be taken" where the fact asserted to be well know is "capable of instant and unquestionable demonstration of being well known". See MPEP section 2144.03, paragraph A, at lines 4-7. But, it is respectfully submitted that the two "manual" steps in claim 14 and their respective "responding" steps in claim 14 cannot be shown by documentary evidence to be well known.

Based on all of the above remarks, independent claim 14 should be in a condition for allowance. Also, the dependent claims 15-23 should be in a condition for allowance because they incorporate all of the limitations of claim 14.

Lastly, consider independent claim 23. This claim recites "An electronic storage media, readable by a computer, on which a computer program is recorded". On page 4 of the last office action, a simular independent claim 13 (now cancelled) was rejected for being non-statutory. But the office action suggests amending the claim to "embody the program on computer readable medium" to make the claim statutory. This is done in claim 23 which expressly says the program "is recorded" on the medium.

Also claim 23 should be non-obvious over the prior art. This is because claim 23 recites the steps which are performed by the program that is recorded on the medium, and those steps are essentially the same as the steps that are recited in the method of claim 14.

Accordingly, entrance of this amendment and an early notice of allowance of all of the claims 14-23 is requested.

Respectfully submitted,

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